



ఆంధ్రప్రదేశ్ రాజ పత్రము
THE ANDHRA PRADESH GAZETTE
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AMARAVATI, TUESDAY , NOVEMBER 27, 2018

G.591

PART VII

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NOTIFICATIONS BY GOVERNMENT
PANCHAYATI RAJ & RURAL DEVELOPMENT
DEPARTMENT, VIJAYAWADA.

(VIG.IA)

Memo.No.385/Via.IA/2003-II

Dated:18-3-2010

ALLEGATIONS OF CORRUPTION AND MISAPPROPRIATION OF GOVT, FUNDS UNDER VARIOUS SCHEMES AGAINST SRI N.V. RAMANA REDDY, FORMER AEE, RWS, VINJAMUR, NELLORE DISTRICT - PLACED BEFORE TRIBUNAL FOR DISCIPLINARY PROCEEDINGS - ENQUIRY COMPLETED - COMMUNICATION OF ENQUIRY REPORT - EXPLANATION CALLED FOR - REGARDING.

- Ref:
1. Govt. Memo.No.385/VS-I/A2/2003-2 PR & RD (VS-I) Dept., dt. 16-6-2003.
 2. From the Secretary, Tribunal for Disciplinary Proceedings, Lr.Dis. No. S/13/2009, Dated: 9,12.2009.

In the reference first cited, Sri N.V. Ramana Reddy, former AEE, RWS, Vinjamur, Nellore District was placed on his defence before the Tribunal for Disciplinary Proceedings to conduct Inquiry Into the allegations of corruption and misappropriation of Government funds under Rule 3 of A.P. Civil Services (Tribunal for Disciplinary Proceedings) Rules, 1989.

2. In the reference 2nd cited, the Secretary, Tribunal for Disciplinary 'roceedings, Hyderabad has furnished the enquiry report in this matter in TEC No. 150 of 2003 on the file of II Member of Tribunal for Disciplinary Proceedings, Hyderabad against Sri N.V. Ramana Reddy, former AEE, RWS, Vinjamur, Nellore District.

3. A copy of the Enquiry Report is herewith communicated to Sri N.V. Ramana Reddy, former AEE, RWS, Vinjamur, Nellore District and he is directed to submit his explanation, if any, on the enquiry report within (15) days from the date of receipt of this Memo, failing which it will be construed that he has no explanation to offer and necessary further action will be taken against him based on the material available as per rules in force.

M.V.P.C. SASTRY,
Principal Secretary to Government

To

Sri N.V. Ramana Reddy, former AEE, RWS, Vinjamur, Nellore District through the Engineer-In-Chief, PR, Hyderabad (w.e.).

The Engineer-In-Chief, PR, Hyderabad (with a request to serve the memo and furnish the dated acknowledged copy)

Copy to:

The DG, ACB, AP, Hyderabad.

The Secretary to VC, APVC, Hyderabad.

//FORWARDED BY ORDER//

Sd/-.,
SECTION OFFICER

Government of Andhra Pradesh
Office of the Engineer-in-Chief (PR) Hyderabad.

Endt. No. Vig.(3)3376/10

Date 27.09.2010

‘Communicated’

B. Shyam Babu,
Engineer-in-Chief (PR), Hyd.

To

Sri N.V. Ramana Reddy, formerly AEE, RWS, Vinjamuru, Through Superintending Engineer, PR, Nellore

Copy to Superintending Engineer, PR, Nellore (in duplicate) He is requested to serve the Memo to the individual and return the duplicate served copy with dated acknowledgement. He is also requested to obtain and furnish explanation of the individual.

Copy to S.F

//f.b.o//

Sd/-.,
SUPERINTENDENT

**Office of the Superintending Engineer, Panchayat Raj, Nellore,
Sri Potti Sriramulu Nellore District.**

Endt. No. EC3/815/10

Date 11.10.2010

‘Communicated’

**S. RAMAKOTA REDDY,
Superintending Engineer,
Panchayat Raj, Nellore,
SPSR Nellore District.**

To

Sri. N.V. Ramana Reddy, Assistant Executive Engineer, o/o EE. P.R, Kavali
(Through the Exe.Engineer, P.R, Kavali).

Copy to the Exe.Engineer, PR, Kavali (In duplicate)

He is requested to serve the memo to the individual and return the
duplicate served copy with dated acknowledgement and also furnish the
explanation of the individual to this office.

// t.c.f.b.o //

Sd/-.,

Deputy Executive Engineer

GOVERNMENT OF ANDHRA PRADESH

TRIBUNAL FOR DISCIPLINARY PROCEEDINGS:HYDERABAD

**PRESENT:- SRI J.SHYAM SUNDAR RAO, B.Com., B.L.,
FAC II MEMBER, CHAIRMAN, STAT**

HYDERABAD

DATE : 30.11.2009

TRIBUNAL ENQUIRY CASE No. 152 OF 2003

<p>Sri Nagireddy V.Ramana Reddy, formerly Assistant Executive Engineer, R.W.AS, Vinjamur Mandal. Nellore Dist.</p>	<p>Charged Officer</p>
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REPORT

The Government of Andhra Pradesh, Panchayat Raj and Rural Development Department in its Memo.No.385/VS-I/A2/2003-2, Dated: 16-6-2003 have decided to entrust the case against Sri M.Kotaiah, Senior Assistant and 3 others of MP Vinjamur. Nellore District to this Tribunal to conduct an enquiry into the allegations relating to corruption

and misappropriation of government funds and to submit the report to the Government.

2. After receipt of the relevant records, the reference against Sri Nagireddy V.Ramana Reddy, formerly Assistant Executive Engineer, R.W.AS, Vinjamur Mandal, Nellore District was registered as TEC.No. 152/2003 and the following charge was framed against him.

CHARGE:- 'That you, Sri Nagireddy V.Ramana Reddy while working as Assistant Executive Engineer, RWAS, Vinjamur Mandal, Nellore Dist. were actuated by corrupt motive and in abuse of your official position connived with your Departmental Officers misappropriated various amounts collected from beneficiaries and mis-utilized the Govt. funds under individual low cost sanitation scheme and thereby you are guilty of misconduct within the meaning of Rule 2 (b) of A.P. Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989 framed under the A.P.Civil Services (Disciplinary Proceedings Tribunal) Act. 1960 as amended in 1993."

3. The charge which contains the statement of allegation and list of witnesses has been communicated to the Charged Officer (hereinafter called as CO) along with notice for his appearance. After service of charge, the CO appeared before this Tribunal and charge has been read over and explained to him, for which he pleaded not guilty and claim to be tried.

4. The brief facts of the case are as follows:-

A surprise check was conducted by the officials of the A.C.B., Nellore Range on the office of the Mandal Parishad Office. Vinjamur Mandal, Nellore District on 30-10- 2000, which revealed that Sri M.Venkateswarlu, MPDO (FAC), Vinjamur Mandal, Nellore District and 5 others have committed certain irregularities by manipulating the entries in Cash Book and misappropriated one day salary contribution by the officials of M.P.Office, Vinjamur towards Kargil funds, P.F. amounts, Schemes under Jeevandhara/JRY wells and individuals Low Cost Sanitation Schemes etc. Mediators' report dt.30-10-2000 relates to the surprise check made by the ACB Officials, according to which the CO and his Department Officials dealt with the subject of ILCS during the year 1998-1999 and 1999-2000 and lapses found in the records were also discussed in the mediator's report.

Mediators' Report dt 23-4-2002 relates to physical verification relating to the beneficiaries regarding whom a detailed discussion was made for receiving the cheque either by means of thumb impressions or signatures in Mediators' Report dt. 30-10-2000 at Vinjamur in the presence of mediators, Panchayat Secretary and Pump Operator of Vinjamur Panchayat Office.

During the enquiry it was revealed that the beneficiaries Viz., Kongi K.Ratnamma. G.Pitchamma. G.Puilaiah. G.Pullamma, G.Ramanaiah, B.Bujamma, B.Vengamma. G.Chinna Vengaiah S/o Obaiah. G.Vengamma, G.Venkamma, G.Chinna Vengaiah. S/o Musalaiah and Kota Ratnamma. constructed own houses under A.P.Housing Scheme though they are not eligible for sanction of latrines and though they

did not construct any latrines, they were given cheques for Rs.2,000/- and also the persons who received cheques for Rs 2,000/- did not construct the latrines.

The Xerox copy of Ledger Extract relating to Pinakini Grameena Bank, Vinjamur SB A/c No.6171 shows that it was opened on 24-9-1998 for maintaining the payments relating to ILCS Scheme. In it entries were made from 24-9-1998 to 16-5-2000. Up to 3-8-1999 cheques were issued for Rs.2,200/-. From 3-8-1999 onwards cheques were issued for Rs.2,000/- which is irregular. Rs.2,200/- relates to the individual contribution of Rs.200/- and also the Government contribution of Rs.2,000/-. Hence, the beneficiary should be paid only Rs.2,200/- by 16-5-2000 there was balance of Rs.3,610/-. Cheques bearing Nos. 571992 for Rs.2,200/- and 642578 for Rs.2,000/- were encashed on 2-8-1999 and 4-8-1999 respectively.

The two acquittance registers were badly maintained. There is no continuity of Sl.Nos. of beneficiaries and also page numbers and total number of beneficiaries and also page numbers and total number of beneficiaries are not tallying with each register. At Sl.No.4 on page No.3 in Register No.3 entry was made in respect of the beneficiary by name Smt. Chebrolu Subbamma, Pathuru regarding issue of cheque No.571995, dt.31-7- 1999, but there is neither thumb impression nor signature showing the receipt of the cheque. But, as per Ledger entries in the Ledger of SB Account, this cheque was encashed on 2-8-1999. Hence, this cheque was not received by Smt. Chebrolu Subbamma and it was encashed by somebody.

The name of Petluru Narasimhulu was entered vide Sl.No.80 of both registers and there is signature in token of receipt of the cheque No.642578 for Rs.2,000/- and this was encashed on 4-8-1999. Thus, though there is no person in the name of Petluru Narasimhulu, the cheque was issued in his name. Thus, these two cheques were encashed with the connivance of CO and other officers.

During the course of surprise check 1) Correspondence file maintained in MPDO's Office containing 32 pages, 2) Cash book maintained from 18-8-1999, 3) Deposit Refund Register-II, 4) Register relating to particulars of individuals sanitary latrines, 5) Cash book for 2000-2001, 6) Deposit Refund Register from May, 2000, 7) Cash book maintained from 28-9-1999, 8) Certificates of Constructing Individual Latrines 9) Applications and constructions of individual latrine certificate and correspondence file, 10) Construction certificate regarding individual latrines given by the AEs of Vinjamur Mandal Parishad Office, 11) Correspondence, Proceedings, constructions certificates file 12) 16 used cheque books given by Pinakini Grameena Bank, Vinjamur Branch, and 13) Beneficiaries Contribution Receipt Books were seized.

The CO connived with others mis-utilized and misappropriated the Government Funds by effecting payments to those who were not eligible and also not constructed latrines relating to ILCS Scheme funds and also contribution amounts.

5. During the course of enquiry, the Prosecution has examined PWs.1 to 8 and marked Exs.P-1 to P-34. In Defence, no witnesses were examined and no exhibits were marked on behalf of the CO.

6. The Addl. Government Counsel and Counsel for the CO filed their Written Arguments. Perused the material papers on record.

7. Now, the point that arises for consideration is whether the Prosecution is able to substantiate and prove the charge levelled against the CO or not?

8. The Prosecution in order to bring home the charge against the CO all in all examined PWs. 1 to 8 and marked Exs.P-1 to P-34. The gist of PWs. 1 to 8 is as follows:-

PW-1 Panchayat Secretary Sri Ch.Varaprasada Rao stated in his evidence that the ACB people came with some others to the Gram Panchayat with list with a request to show the structures and accordingly they all went to the houses of the applicants and inspected the latrines constructed. It is also his evidence that statements were recorded by the ACB people. This witness was treated hostile and cross-examined by the AGC.

PW-2 Sri B.Venkateswara Rao, Pump Operator also stated to the same effect. It is his evidence that panchanama was prepared by the ACB with the assistance of mediators for the verification of the latrines. He was also declared hostile and cross- examined by AGC.

PW-3 Sri P.Prabhakar Rao, Electrician stated in his evidence that some people came to Gram Panchayat and on the instructions of Village Secretary, he took them to the houses as per the list brought by them and he showed the houses, This witness was cross- examined by the learned AGC.

PW-4 T.Malayadri, Beneficiary stated in his evidence that he and his brother constructed two lavatories by investing Rs.1,000/- and that they were paid Rs.4,400/- by the Government. It is also his evidence that they paid advance of Rs.200/- each.

PW-5 R.Bhaskar Reddy stated in his evidence that he constructed a latrine for their purpose but no amount was paid to him by the Revenue Authorities in this regard. It is stated by him in cross-examination that his father-in-law Masthan Reddy told him that once he went to Mandal Office and received money for construction of the latrine.

PW-6 Sri Ch.Subba Rao stated in his evidence that he paid advance of Rs.200/- to the CO in TEC.No. 150/2003 in order to obtain cheque but no amount was paid to him in this connection. It is suggested to him that MPDO's Office paid Rs.2,200/- towards construction of latrine.

PW-7 A.Chandrasekhara Rao, Retd.Dy.EE, Irrigation Department stated in his evidence that along with ACB people he went to Nellore for detecting certain irregularities committed by the CO and other COs and a mediators report was drafted for the facts took place in their presence, it is his evidence that some amount was misappropriated for purchasing sewing machines and some amount was misappropriated towards Kargil fund. It is also his evidence that except the treasury challans showing PF instalments and the details of remittance were not available. It is also stated by him money was misappropriated under the scheme of ILCS, Jeevanadhara wells etc.

PW-8 P.Venkatarami Reddy, Investigating Officer deposed in his evidence in respect of the investigation conducted by him. It is his evidence that the CO connived with the CO in TEC.No.150/2003 and 17/2005 misappropriated the funds under ILCS scheme and he examined Yellala Chalamareddy, K.Lakshamma, Sanivarapu Venkata Ramanamma, T.Malayadri, PW-5, V.Jayamma, W/o.Raghavareddy, G.Jayamma, W/o.Penchala Reddy, Gunnam Jayamma, W/o. Ramana Reddy, PW-6, Suram Dhanalakshamma, Sk.Masthan, Karra Haimavathi, Chebrolu Subbamma, Sk.Dasthagiri, F3.Guramma, G.Ramanaiah, G. China Yerukalaiah, B.Bujjamma, K.Ramanamma, B.Sharada and G.Vengaiah. It is also his evidence that he physically verified the construction of the latrines as well as the wells in the presence of mediators. It is his evidence that cheques were issued for Rs.2,000/- instead of issuing @ Rs.2,200/- for the construction of the latrines. It is also his evidence that, acknowledgements were not taken for issuing cheques. It is also his evidence that beneficiary by name P.Narasimhulu is not available in the village.

9. The charge against the CO is that he connived with other C.Os and misappropriated various amounts collected from the beneficiaries and misutilized the government funds under Individual Low Cost Sanitation (ILCS) Scheme. The CO is Asst. Executive Engineer in RWS, Vinjamur Mandal. The learned AGC filed Written Arguments stating that the charge is proved. The learned Advocate appearing for the CO filed Written Arguments stating that the charge is not proved. It is revealed during cross-examination that he is not entrusted with the work of collection of money @ Rs.200/- from the beneficiaries and he is also not concerned with the issuing of the cheques @ Rs.2,200/- to the beneficiary. His duty is only to verify and certify if latrines were constructed by the beneficiaries. A bunch of certificates issued by the CO and another CO were marked as Exs.P-32 and P-33 with photographs of some certificates relating to the beneficiaries showing the photograph of latrine also.

10. The evidence of the 10 shows that he examined number of beneficiaries who said to have constructed the latrines with the government funds under ILCS Scheme. It is the evidence of PW-8 that he examined and recorded the statements of 20 beneficiaries in total. The duty of the CO is to verify and certify the construction of the latrine by the beneficiary. During the cross-examination of PW-8, it is admitted by him that the verification by them was conducted 2 or 3 years after the construction of the latrine. The case of the prosecution is that though some persons not in the village, in their name money was drawn though latrine was not constructed, It is also further case of the prosecution though some of the beneficiaries are not eligible for this benefit of scheme, they were given that benefit. But the CO is not entrusted with the duty of identifying the beneficiaries in the village. He cannot be found fault if money was paid to ineligible persons. It is also not his fault if money was paid to a non-existing person in the village The MPDO is the ultimate authority for issuing cheques to the beneficiaries. He cannot be found fault if Rs.2,000/- was paid to the beneficiary instead of Rs.2,200/-. His duty is only to clarify construction of the latrine made by the beneficiary. Now, it has been as to how far the certification is bad under the evidence adduced by the Prosecution. The evidence of PW-1 shows that as per the list they verified the construction of the latrines. PW-1 stated

about certification was made by the CO. PW-2 stated to the fact that they verified the construction of the latrines. The inmates of the houses when present in the house their statements were recorded by the ACB. PW-3 stated in his evidence that he showed the houses of the beneficiaries. PW-4 stated in his evidence that he constructed two latrines and an amount of Rs.4,400/- was paid. The evidence of PW-4 is not helpful to the prosecution on the other hand he supported the version of defence. R.Bhaskar Reddy (PW-5) stated in his evidence that he built latrine for their purposes in Kothur village but no amount was paid to him by the revenue authority. But the CO is not concerned with the non-payment of the money. It is not elicited from the evidence of PW-5 that any wrong certification made by the CO. PW-6 one Ch.Subbarao stated in his evidence that he paid Rs.200/- to the CO in TEC.No. 150/2003 but till to-day no amount was paid to him in this connection. It is not stated by him that he constructed the latrine. Verification of the certificates under Exs.P-32 and P-33 shows that the CO did not certify the construction of the latrines said to have been made by PW-6. In the absence of certification of any latrine belonging to PW-6, it is highly difficult to hold that the CO certified the latrine of PW-6 though it was not constructed. It is not even elicited in the evidence of PW-6 that he constructed the latrine. The evidence of PWs.7 and 8 is of no use to the case of prosecution in the absence of the evidence of beneficiaries. Though 20 beneficiaries were examined by the ACB Inspector and their statements recorded and though they cited as witnesses in the charge sheet, they could not be examined before this Tribunal. In fact, efforts were made to examine the beneficiaries in order to prove the charge against the CO. Summons as well as bailable warrants were issued to the beneficiaries for their examination and ultimately returned the un-served summons as well as the warrants stating that the witnesses refused to obey summons. Most probably they might have received the money with or without construction of the latrines. Hence they might not have inclined to give evidence against the CO.

11. However, the mediators report drafted by the mediators at the time of ground inspection conducted by the ACB Inspector clearly indicates that the CO issued completion certificates of the latrines without actually and physically verifying them. Of course, most of the latrines were constructed as per the mediators reports, Ex.P-28 as well as under Ex.P-29. The statements of the beneficiaries were also recorded at the time of physical inspection of the latrines conducted by the ACB Inspector and the Mediators. Suram Hazrath Reddy constructed a pakka building without constructing a latrine. In fact, this building was constructed by AP Housing Corporation. When the building was constructed by AP Housing Corporation, the beneficiary is not entitled the benefit under ILCS Scheme. However, Rs.2,200/- was paid to him as per the statement made by S.Hazrath Reddy in the presence of mediators before the Inspector, ACB. The statement was separately recorded by ACB from S.Hazrath Reddy to the effect that no latrine was constructed but Sl.No.81 of Ex.P-33 file clearly indicates that the CO certified that Suram Hazrath Reddy has constructed individual latrine sanctioned under Janmabhoomi Phase satisfactorily and he may be paid Rs.2,200/-.

A cheque was issued in his favour and the same was received by him. Hence, wrong certification was made by the CO though latrine was not constructed. Hence, the CO is guilty of part of the charge to the effect that though individual latrine was not constructed by Suram Hazarath Reddy, he certified the construction of the same making the MPDO Office to pay money to him.

12. In view of my above discussion. I hold that part of the charge is proved against the CO.

13. Send the report to the Government.

Sd/-,
CHAIRMAN, STAT
FAC II MEMBER.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PROSECUTION :-

- P.W-1 : Sri Ch.Varaprasada Rao, S/o Panchjalaiah, Panchayat Secretary, Vinjamur, Nellore District.
- P.W-2 : Sri Venkateswara Rao, S/o Sri Venkataiah, i/itter, Gram Panchayat Office, Vinjamur, Nellore Dist.
- P.W-3 : Sri P.Prabhakar Rao, S/o Sri Kotaiah, Electrician in Vinjamur Gram Panchayat, Vinjamur, Nellore Dist.
- P.W-4 : Sri G.Malayadri, S/o Sri Mala Kondayya, Talari in M.R.O's Office Ravipadu Nellore Dist.
- P.W-5 : Sri R.Bhaskar Reddy, S/o Malakonda Reddy, Agriculture, Vinjamur (M) Kothur Village, Nellore District.
- P.W-6 : Sri Chebrolu Subba Rao, S/o China Subbaiah, Clerk in Saree Show Room Pathur, Vinjamur (M), Nellore Dist.,
- P.W-7 : Sri A.Chandrasekhara Rao, S/o Venkateswar Rao, Retd., Dy.E.E., Irrigation Circle, Nellore.
- P.W-8 : Sri P.Venkata Rami Reddy, S/o Venku Reddy, Inspector of Police, Macherla Circle, Guntur Dist.

FOR DEFENCE :-

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EXHIBITS MARKED

FOR PROSECUTION:-

- Ex.P-1 : : Mediators report date 30-11 -2000.
- Ex.P-2 : : Signature of P.W-3 in Ex.P-I.
- Ex.P-3 : : Statement of P.W-4 recorded by ACB Officials.
- Ex.P-4 : : Statement of P.W-5 recorded by ACB Officials.

- Ex.P-5 : : Statement of P.W-6 recorded by ACB Officials.
- Ex.P-6: : Women and Child Welfare Cash book 1995-96.
- Ex.P-7: : Page No.68 entry in Ex.P-25.
- Ex.P-8: : Audit report produced by Sr.Asst., O/o the Women & Child Welfare Department.
- Ex.P-9: : Counter foils of Govt.Cheques bearing No.B-587827 of Rs.31,326/-.
- Ex.P-10: : File relating to Kargil fund.
- Ex.P-I 1: : File relating G.P.F.Schedules.
- Ex.P-I 2: : Cash book of individual sanitary latrines.
- Ex.P-I3: : Cash book of 2000-2001 of M.P.D.O.,
- Ex.P-14: : Register relating to individual latrine.
- Ex.P-I 5: : Cash book individual latrine.
- Ex.P-16: : Acquittance register-1
- Ex.P-17: : Acquittance register-11.
- Ex.P-18: : Deposit refund register-1.
- Ex.P-19: : Deposit refund register-II.
- IEx.P-20: : File relating to correspondence proceedings etc.,
- Ex.P-21: : Cancelled cheque prepared in the name of A.Tirupalu.
- Ex.P-22: : Cheque record slip pertain to cheque book No.642576 to 642600.
- Ex.P-23: : Relevant page in cheque record slip.
- Ex.P-24: : File relating to J.R.Y. Wells.
- Ex.P-25: : Rough file relating to J.R.Y. Wells.
- Ex.P-26: : Cheque books 7 in numbers.
- Ex.P-27: : Mediators report.
- Ex.P-28: : Mediators report:, dated 23-4-2002.
- Ex.P-29: : Mediators report, dated 23-10-2002.
- Bx.P-30: : Pinakini Grameena Bank i.e., Vinjamur S.B A/c Ledger Extract.
- Ex.P-31: : Correspondence Hie maintained at MPDO Office.
- Ex.P-32: : latrines.
- Ex.P-33: : File relating certificates of construction of individual latrne.
(Ex.P-51 in TEC. 151 /03)
- Ex.P-34: : Cheque record slip for cheque book 642526 to 642600

FOR DEFERENCE :- Nil

Date : 9-7-2018

R.VENKATESWARA RAO,
Engineer-in-Chief, Panchayati Raj,
Vijayawada.